

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
ST LOUIS DIVISION**

LAMONT TATUM,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
LVNV FUNDING, LLC.,	)	JURY TRIAL DEMANDED
	)	
Defendant.	)	

**COMPLAINT**

NOW COMES the Plaintiff, LAMONT TATUM, by and through his attorneys, LARRY P. SMITH & ASSOCIATES, LTD., and for his complaint against the Defendant, LVNV FUNDING, LLC., Plaintiff states as follows:

**I. PRELIMINARY STATEMENT**

1. This is an action for actual and statutory damages for violations of the Fair Debt Collection Practices Act (hereinafter "FDCPA"), 15 U.S.C. §1692, et seq.

**II. JURISDICTION & VENUE**

2. Jurisdiction arises under the FDCPA, 15 U.S.C. §1692 et seq., and pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1337.

3. Venue is proper in this district pursuant to 28 U.S.C. §1391(b).

**III. PARTIES**

4. LAMONT TATUM, (hereinafter, "Plaintiff") is an individual who was at all relevant times residing in the State of Missouri.

5. LVNV FUNDLING, LLC., (hereinafter, "Defendant") is a business entity engaged in the collection of debt within the State of Missouri. Defendant is registered as a Limited Liability Company in the State of Delaware.

6. In its dealings with Plaintiff, Defendant held itself out as being a company collecting a debt allegedly owed by Plaintiff to Capital One.

7. At all relevant times, Plaintiff was a "consumer" as that term is defined by 15 U.S.C. §1692a(3).

8. At all relevant times, Defendant acted as a debt collector as that term is defined by 15 U.S.C. §1692a(6).

#### **IV. ALLEGATIONS**

9. On January 9, 2009, Plaintiff received a letter from Defendant, which stated it was attempting to collect a debt allegedly owed by Plaintiff to Capital One.

10. The alleged debt of Plaintiff was incurred primarily for personal, family, or household services.

11. In response to the aforementioned letter, on January 28, 2009, Plaintiff sent Defendant a letter disputing the alleged debt on which Defendant was attempting to collect and requesting validation; he also disputed the alleged debt directly with Trans Union, Equifax and Experian.

12. Despite Plaintiff's dispute and request for validation of the alleged debt with Defendant, Defendant failed to provide Plaintiff with validation of the alleged debt.

13. Despite Plaintiff's dispute and request for validation of the alleged debt with Defendant, Defendant reported the account to Trans Union, Equifax and Experian and failed to report the account has having been disputed

14. In its attempts to collect the debt allegedly owed by Plaintiff to Capital One, Defendant violated the FDCPA, 15 U.S.C. §1692 in one or more of the following ways:

- a. Falsely represented the character, amount, or legal status of any debt in violation of 15 U.S.C. §1692e(2)(A) by failing to report the debt as disputed
- b. Communicated or threatened to communicate to any person credit information which is known or which should be known to be false, including the failure to communicate that a disputed debt is disputed in violation of 15 U.S.C. §1692e(8);
- c. Was otherwise deceptive and failed to comply with the provisions of the FDCPA.

15. As a result of Defendant's violations as aforesaid, Plaintiff has suffered, and continues to suffer, personal humiliation, embarrassment, mental anguish and emotional distress.

**V. JURY DEMAND**

16. Plaintiff hereby demands a trial by jury on all issues so triable.

**VI. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, LAMONT TATUM, by and through his attorneys, respectfully prays for judgment as follows:

- a. All actual compensatory damages suffered;
- b. Statutory damages of \$1,000.00;
- c. Plaintiff's attorneys' fees and costs;
- d. Any other relief deemed appropriate by this Honorable Court.

Respectfully submitted,  
**LAMONT TATUM**

By: s/ Larry P. Smith  
Attorney for Plaintiff

Dated: May 13, 2009

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